



Senate

File No. 549

General Assembly

February Session, 2002

(Reprint of File No. 120)

Senate Bill No. 500
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 19, 2002

AN ACT CONCERNING ELECTRONIC PRICING EXEMPTIONS AND MACARONI.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (c) of section 21a-79 of the general statutes, as
2 amended by section 1 of public act 01-73, is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2002*):

4 (c) (1) The Commissioner of Consumer Protection may adopt
5 regulations in accordance with the provisions of chapter 54 concerning
6 the marking of prices and use of universal product coding on each unit
7 of a consumer commodity.

8 (2) The Commissioner of Consumer Protection may adopt
9 regulations in accordance with the provisions of chapter 54
10 designating not more than [ten] twelve consumer commodities that
11 need not be marked in accordance with subdivision (1) of subsection
12 (b) of this section and specifying the method of providing adequate
13 disclosure to consumers to insure that the electronic pricing of the
14 designated consumer commodities is accurate. The commissioner may

15 establish by regulation methods to protect consumers against
16 electronic pricing errors of such designated consumer commodities
17 and to insure that the electronic prices of such designated consumer
18 commodities are accurate. Among the methods that the commissioner
19 may consider are conditions similar to those set forth in subdivision (4)
20 of subsection (b) of this section.

21 Sec. 2. Subsection (e) of section 21a-28 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2002*):

24 (e) It shall be unlawful for any person to manufacture, mix,
25 compound, sell or offer for sale in this state for human consumption
26 any macaroni unless such macaroni is enriched, before retail sale, in
27 conformance with federal standards enumerated in 21 Code of Federal
28 Regulations Part 139, as may be amended from time to time and unless
29 such person provides evidence of compliance as required by
30 regulations issued by the commissioner under the provisions of
31 chapter 54. The requirements of this subsection shall not apply to the
32 manufacture of, mixing of, compounding of, or selling or offering for
33 sale in this state for human consumption any macaroni that consists
34 entirely of natural ingredients.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Since federal law, which preempts state and local standards, allows for the sale of unenriched pasta products as long as they comply with the federal standards of identity, passage of this bill would conform with existing state practice and would have no fiscal impact on the Department of Consumer Protection.

Regulations can be promulgated by staff within normal duties and responsibilities.

House "A" which allows for the sale of unenriched pasta products in the state of Connecticut as long as they meet the federal standards of identity would conform with current practice and would have no fiscal impact.

OLR Bill Analysis

SB 500 (as amended by House "A")*

AN ACT CONCERNING ELECTRONIC PRICING EXEMPTIONS**SUMMARY:**

This bill increases from 10 to 12 the number of items that the consumer protection commissioner may, by regulation, exempt from the item pricing law. By law, stores that use Universal Product Coding and bar scanners to total a customer's purchases must mark each item with its price. The law also establishes other exemptions, such as for stores equipped with an approved electronic shelf labeling system.

In addition, the bill exempts macaroni consisting entirely of natural ingredients from the law prohibiting manufacturing, mixing, compounding, selling, or offering for sale macaroni and other flour products unless they have been enriched in compliance with federal regulations.

*House Amendment "A" adds the provision concerning all-natural macaroni.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Items Exempt from Item Pricing Law***

State regulations exempt canned cat food; milk; powdered gelatin and pudding dessert mixes; canned tuna fish; fresh shell eggs; ice cream in one-half gallon, quart, and pint sizes; frozen concentrated juices and fruit drinks; toilet tissue packaged in single rolls; baby food packaged in glass jars; and individually packed candy and chewing gum offered for sale at the checkout (Conn. Agencies Reg. § 21a-79-5). The law also exempts alcoholic beverages and carbonated soft drinks (CGS § 21a-79).

Federal Regulations on Macaroni

Federal regulations establish standards of identity for macaroni products (21 CFR Part 139). In general, they define macaroni products as the class of food prepared by drying formed dough made from one or more types of flour in combination with water and other optional ingredients. There are separate standards for several types of products, including enriched macaroni with fortified protein, milk macaroni, nonfat milk macaroni, vegetable macaroni, and noodles.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 17 Nay 0